

# Attorney General

Analyst: Burns

## Historical Summary

| OPERATING BUDGET                | FY 2006<br>Total App | FY 2006<br>Actual | FY 2007<br>Approp | FY 2008<br>Request | FY 2008<br>Gov Rec |
|---------------------------------|----------------------|-------------------|-------------------|--------------------|--------------------|
| <b>BY PROGRAM</b>               |                      |                   |                   |                    |                    |
| State Legal Services            | 15,303,500           | 15,263,100        | 15,420,300        | 17,600,500         | 16,086,300         |
| Special Litigation              | 2,649,400            | 1,030,000         | 951,600           | 951,600            | 951,600            |
| <b>Total:</b>                   | <b>17,952,900</b>    | <b>16,293,100</b> | <b>16,371,900</b> | <b>18,552,100</b>  | <b>17,037,900</b>  |
| <b>BY FUND CATEGORY</b>         |                      |                   |                   |                    |                    |
| General                         | 17,324,500           | 15,705,800        | 16,064,400        | 18,371,300         | 16,858,700         |
| Dedicated                       | 628,400              | 587,300           | 307,500           | 180,800            | 179,200            |
| <b>Total:</b>                   | <b>17,952,900</b>    | <b>16,293,100</b> | <b>16,371,900</b> | <b>18,552,100</b>  | <b>17,037,900</b>  |
| Percent Change:                 |                      | (9.2%)            | 0.5%              | 13.3%              | 4.1%               |
| <b>BY OBJECT OF EXPENDITURE</b> |                      |                   |                   |                    |                    |
| Personnel Costs                 | 14,557,200           | 14,516,300        | 14,476,200        | 16,620,000         | 15,156,600         |
| Operating Expenditures          | 3,390,400            | 1,709,100         | 1,748,500         | 1,771,000          | 1,747,600          |
| Capital Outlay                  | 5,300                | 67,700            | 122,200           | 136,100            | 108,700            |
| Trustee/Benefit                 | 0                    | 0                 | 25,000            | 25,000             | 25,000             |
| <b>Total:</b>                   | <b>17,952,900</b>    | <b>16,293,100</b> | <b>16,371,900</b> | <b>18,552,100</b>  | <b>17,037,900</b>  |
| Full-Time Positions (FTP)       | 180.65               | 180.65            | 185.15            | 196.15             | 185.15             |

## Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by seven separate divisions budgeted in two different programs.

### STATE LEGAL SERVICES:

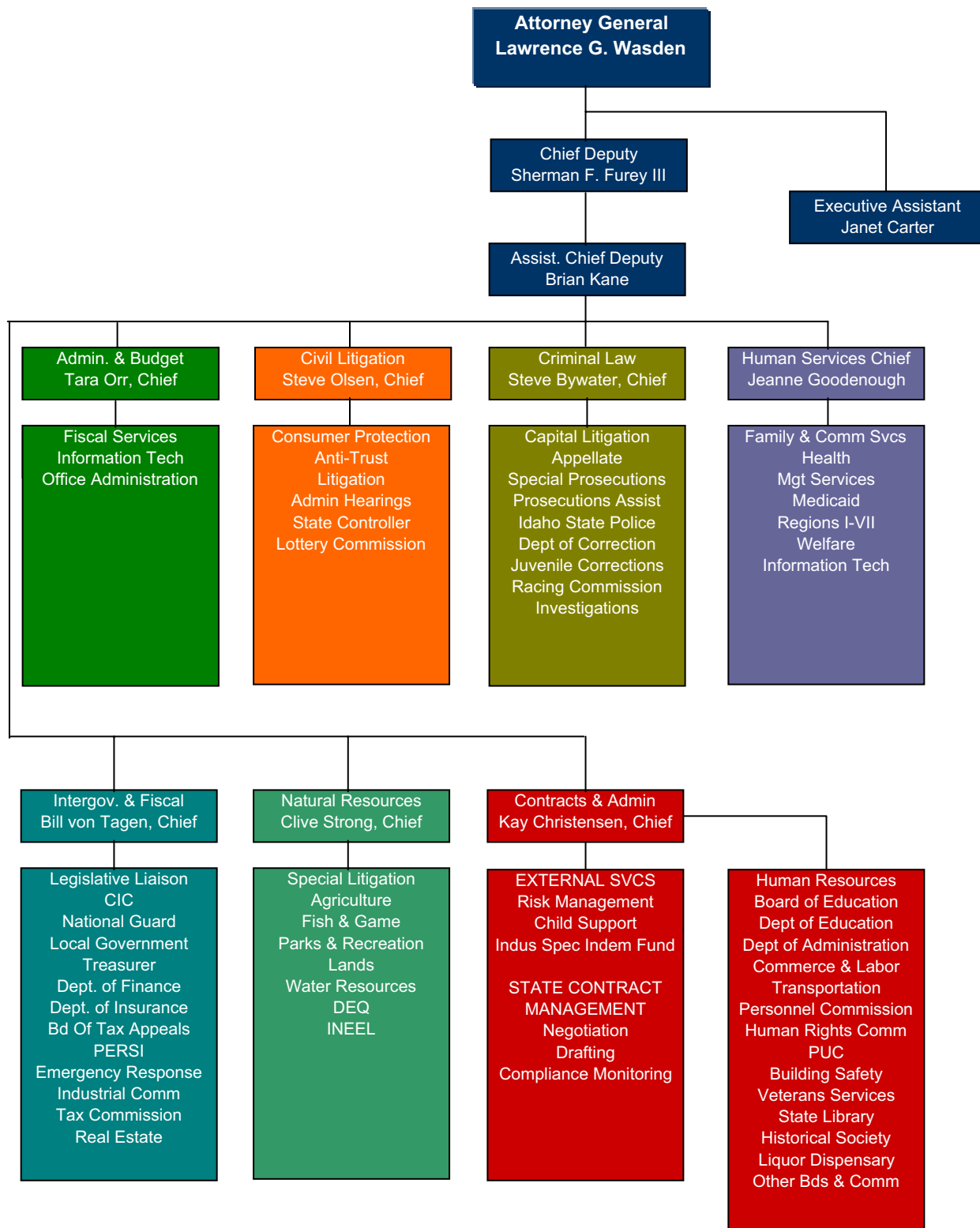
1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.
2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.
3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial and investigative assistance statewide to counties.
4. Human Services: Provides legal service to the Department of Health & Welfare.
5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.
6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and state timber sales and grazing leases.
7. Administration & Budget: The Administration and Budget Division is responsible for providing support services to the Office of Attorney General. Accounting services provided include payroll, accounts payable and accounts receivable. The division prepares the annual budget request and manages the day-to-day expenditure of funds in accordance with established fiscal and accounting standards. Computer and communication services include management of the office computer and telephone systems.

**SPECIAL LITIGATION PROGRAM:** Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

# Attorney General Agency Profile

Analyst: Burns

## Organizational Chart



# Attorney General

## Agency Profile

Analyst: Burns

### Sources of Funds

|  | <u>Percent<br/>of Total</u> | <u>FY 2006<br/>Actual</u> | <u>FY 2007<br/>Estimate</u> | <u>FY 2008<br/>Request</u> |
|--|-----------------------------|---------------------------|-----------------------------|----------------------------|
| <b>1. General Fund (0001-00)</b>   | <b>96%</b>                  | <b>15,705,800</b>         | <b>17,683,800</b>           | <b>18,371,300</b>          |
| General Fund: Derived from individual and corporate income tax, sales tax, cigarette tax, beer and wine tax, liquor surcharge, kilowatt hour tax, and other miscellaneous taxes. Used for personnel, operating and capital outlay. |                             |                           |                             |                            |
| <b>2. Economic Recovery Reserve (0150-00)</b>  | <b>3%</b>                   | <b>451,400</b>            | <b>131,800</b>              | <b>0</b>                   |
| Twenty-nine cents of the 57 cent per pack cigarette tax.   |                             |                           |                             |                            |
| <b>3. Consumer Protection Fund (0349-04)</b>   | <b>1%</b>                   | <b>135,900</b>            | <b>175,700</b>              | <b>180,800</b>             |
| Penalties, costs and fees recovered by the Attorney General. At the beginning of each fiscal year any cash in excess of 150% of the current year's appropriation is deposited into the state General Fund.                         |                             |                           |                             |                            |
| <b>Total</b>   | <b>100%</b>                 | <b>16,293,100</b>         | <b>17,991,300</b>           | <b>18,552,100</b>          |

# Attorney General

## Agency Profile

Analyst: Burns

| <b>Special Litigation Summary</b>                | <b>FY 04 Act</b>  | <b>FY 05 Act</b>  | <b>FY 06 Act</b>    |
|--|-------------------|-------------------|---------------------|
| <b>GENERAL LITIGATION EXPENSES BY CASE</b>       | <b>85,614.56</b>  | <b>98,135.58</b>  | <b>215,186.57</b>   |
| 05000 Special Litigation One-Time Charges        | 1,232.91          | 8,547.20          | 2,979.13            |
| 05001 U.S. v. Oregon                             | 7,672.81          | 2,570.22          | 0.00                |
| 05006 Idaho Gas Investigation                    | 0.00              | 0.00              | 16,110.00           |
| 05008 ITD Billiar Condemnation                   | 0.00              | 0.00              | 72,706.03           |
| 05015 State v. Deborah Bail                      | 14,840.12         | 5,029.40          | 7,329.20            |
| 05016 PEA v. Wasden                              | 105.60            | 194.40            | 430.75              |
| 05017 Public Schools ISEEO                       | 8,772.60          | 5,856.48          | 3,485.59            |
| 05019 Child Sex Abuse Cases                      | 16,000.00         | 26,250.00         | 17,500.00           |
| 05020 Tobacco                                    | 258.31            | 143.34            | 0.00                |
| 05021 Tobacco Diligent Enforcement               | 0.00              | 0.00              | 1,485.20            |
| 05022 Tobacco Litigation                         | 0.00              | 24,140.96         | 45,280.80           |
| 05023 State of Idaho DHW v Judge Julian          | 0.00              | 0.00              | 2,262.51            |
| 05024 Big Bucks Bingo                            | 734.38            | 17,575.41         | 0.00                |
| 05025 General Fire & Casualty v. State of Idaho  | 16,182.70         | 0.00              | 0.00                |
| 05036 Indian Gaming 2002 Initiative              | 15,155.35         | 0.00              | 0.00                |
| 05070 Planned Parenthood v. Lance                | 4,659.78          | 7,420.46          | 21,779.19           |
| 05074 Hayden Lake Fire Protection                | 0.00              | 407.71            | 0.00                |
| 05300 Imaging                                    | 0.00              | 0.00              | 23,838.17           |
| <b>NATURAL RESOURCES LITIGATION BY CASE</b>      | <b>29,084.73</b>  | <b>69,897.77</b>  | <b>758,747.58</b>   |
| 05001 U.S. v. Oregon                             | 0.00              | 0.00              | 2,900.62            |
| 05014 State v. Blackbird Mine                    | 4,762.83          | 4,284.10          | 0.00                |
| 05026 Defenders of Wildlife v. USFS/Norton       | 37.70             | 207.90            | 0.00                |
| 05027 Endangered Species                         | 3,241.19          | 1,795.54          | 31,052.51           |
| 05028 Nuclear Waste Lawsuits                     | 0.00              | 0.00              | 15,532.34           |
| 05030 ICL v. State Priest Lake                   | 2,787.89          | 2,525.21          | 344.43              |
| 05033 CDA Tribe Claims                           | 1,176.02          | 6,365.32          | 0.00                |
| 05042 Lemhi Conservation                         | 259.00            | 2,080.95          | 262.24              |
| 05043 Conjunctive Management - Litigation        | 0.00              | 16.50             | 11,560.61           |
| 05044 American Rivers v NOAA                     | 0.00              | 0.00              | 903.02              |
| 05045 Natural Resources Interim Comm ESPA        | 521.53            | (660.01)          | 41,173.05           |
| 05046 Triumph Mine                               | 63.00             | 1,718.41          | 0.00                |
| 05047 ICL Timber Sales                           | 0.00              | 0.00              | 98.97               |
| 05051 Sho-Pai Claims                             | 0.00              | 50,189.52         | 654,194.05          |
| 05052 ICL v State Preist Lake                    | 0.00              | 0.00              | 240.40              |
| 05059 Idaho Power Relicensing                    | 0.00              | 49.14             | 453.79              |
| 05062 Quiet Title                                | 4,228.64          | 0.00              | 0.00                |
| 05064 Grizzly Bear                               | 10,732.40         | (135.10)          | 0.00                |
| 05065 Hydropower Relicensing                     | 322.78            | 23.15             | 31.55               |
| 05069 State v. USFS Roadless                     | 951.75            | 0.00              | 0.00                |
| 05300 Imaging                                    | 0.00              | 1,437.14          | 0.00                |
| <b>SNAKE RIVER BASIN ADJUDICATION</b>            | <b>22,007.78</b>  | <b>36,320.77</b>  | <b>48,121.32</b>    |
| 05004 SRBA General Expenses                      | 5,329.55          | 4,742.41          | 36,957.70           |
| 05005 SRBA Subcases                              | 212.85            | 24,565.08         | 3,541.10            |
| 05200 SRBA Forest Service                        | 12,813.64         | 959.43            | 1,190.55            |
| 05201 SRBA Tribal Claims                         | 3,601.74          | 6,053.85          | 6,091.62            |
| 05202 SRBA Deer Flat Claims                      | 50.00             | 0.00              | 340.35              |
| <b>DEATH PENALTY LITIGATION EXPENSES BY CASE</b> | <b>621</b>        | <b>1,038</b>      | <b>7,997</b>        |
| <b>Special Litigation Total</b>                  | <b>137,328.41</b> | <b>205,391.86</b> | <b>1,030,052.90</b> |

# Attorney General

## Comparative Summary

Analyst: Burns

| Decision Unit                              | Agency Request |                   |                   | Governor's Rec |                   |                   |
|--|----------------|-------------------|-------------------|----------------|-------------------|-------------------|
|  | FTP            | General           | Total             | FTP            | General           | Total             |
| <b>FY 2007 Original Appropriation</b>      | <b>185.15</b>  | <b>16,064,400</b> | <b>16,371,900</b> | <b>185.15</b>  | <b>16,064,400</b> | <b>16,371,900</b> |
| Reappropriations                           | 0.00           | 1,619,400         | 1,619,400         | 0.00           | 1,619,400         | 1,619,400         |
| <b>FY 2007 Total Appropriation</b>         | <b>185.15</b>  | <b>17,683,800</b> | <b>17,991,300</b> | <b>185.15</b>  | <b>17,683,800</b> | <b>17,991,300</b> |
| Removal of One-Time Expenditures           | 0.00           | (1,623,600)       | (1,755,400)       | 0.00           | (1,623,600)       | (1,755,400)       |
| <b>FY 2008 Base</b>                        | <b>185.15</b>  | <b>16,060,200</b> | <b>16,235,900</b> | <b>185.15</b>  | <b>16,060,200</b> | <b>16,235,900</b> |
| Benefit Costs                              | 0.00           | 327,500           | 328,700           | 0.00           | 0                 | 0                 |
| Inflationary Adjustments                   | 0.00           | 11,900            | 13,400            | 0.00           | 0                 | 0                 |
| Replacement Items                          | 0.00           | 118,200           | 118,200           | 0.00           | 118,200           | 118,200           |
| Statewide Cost Allocation                  | 0.00           | 3,400             | 3,400             | 0.00           | 3,400             | 3,400             |
| Annualizations                             | 0.00           | 2,200             | 2,200             | 0.00           | 2,200             | 2,200             |
| Change in Employee Compensation            | 0.00           | 472,800           | 475,200           | 0.00           | 674,700           | 678,200           |
| <b>FY 2008 Program Maintenance</b>         | <b>185.15</b>  | <b>16,996,200</b> | <b>17,177,000</b> | <b>185.15</b>  | <b>16,858,700</b> | <b>17,037,900</b> |
| 1. Commerce & Labor Attorney               | 1.00           | 118,900           | 118,900           | 0.00           | 0                 | 0                 |
| 2. Market Parity                           | 0.00           | 500,000           | 500,000           | 0.00           | 0                 | 0                 |
| 3. Civil Litigation Paralegal/Investigator | 1.00           | 68,800            | 68,800            | 0.00           | 0                 | 0                 |
| 4. Juvenile Corrections Attorney           | 1.00           | 87,200            | 87,200            | 0.00           | 0                 | 0                 |
| 5. Criminal Appellate Attorney             | 1.00           | 92,000            | 92,000            | 0.00           | 0                 | 0                 |
| 6. Third-Party & Estate Recovery           | 4.00           | 267,200           | 267,200           | 0.00           | 0                 | 0                 |
| 7. Criminal Investigator                   | 1.00           | 80,400            | 80,400            | 0.00           | 0                 | 0                 |
| 8. Civil Litigation Legal Secretary        | 1.00           | 65,200            | 65,200            | 0.00           | 0                 | 0                 |
| 9. Agriculture Attorney                    | 1.00           | 87,200            | 87,200            | 0.00           | 0                 | 0                 |
| 10. Additional Capital Outlay              | 0.00           | 8,200             | 8,200             | 0.00           | 0                 | 0                 |
| 11. Carry Forward Authority                | 0.00           | 0                 | 0                 | 0.00           | 0                 | 0                 |
| <b>FY 2008 Total</b>                       | <b>196.15</b>  | <b>18,371,300</b> | <b>18,552,100</b> | <b>185.15</b>  | <b>16,858,700</b> | <b>17,037,900</b> |
| Change from Original Appropriation         | 11.00          | 2,306,900         | 2,180,200         | 0.00           | 794,300           | 666,000           |
| % Change from Original Appropriation       |                | 14.4%             | 13.3%             |                | 4.9%              | 4.1%              |

# Attorney General

Analyst: Burns

| Budget by Decision Unit               | FTP    | General    | Dedicated | Federal | Total      |
|---------------------------------------|--------|------------|-----------|---------|------------|
| <b>FY 2007 Original Appropriation</b> | 185.15 | 16,064,400 | 307,500   | 0       | 16,371,900 |

## Reappropriations

Reappropriation authority -- also known as carry over -- allows unspent funds from the previous fiscal year to be carried over and spent in the current fiscal year. Those moneys are then removed as one-time expenditures before calculating the next year's base. Carry over requires specific legislative authorization and must be approved every year. In the Special Litigation program, carry over of unexpended funds in fiscal years 2005 and 2006 was authorized.

|                           |      |           |   |   |           |
|---------------------------|------|-----------|---|---|-----------|
| Agency Request            | 0.00 | 1,619,400 | 0 | 0 | 1,619,400 |
| Governor's Recommendation | 0.00 | 1,619,400 | 0 | 0 | 1,619,400 |

|                                    |        |            |         |   |            |
|------------------------------------|--------|------------|---------|---|------------|
| <b>FY 2007 Total Appropriation</b> |        |            |         |   |            |
| Agency Request                     | 185.15 | 17,683,800 | 307,500 | 0 | 17,991,300 |
| Governor's Recommendation          | 185.15 | 17,683,800 | 307,500 | 0 | 17,991,300 |

## Removal of One-Time Expenditures

Reflects removal of one-time expenditures.

|                           |      |             |           |   |             |
|---------------------------|------|-------------|-----------|---|-------------|
| Agency Request            | 0.00 | (1,623,600) | (131,800) | 0 | (1,755,400) |
| Governor's Recommendation | 0.00 | (1,623,600) | (131,800) | 0 | (1,755,400) |

|                           |        |            |         |   |            |
|---------------------------|--------|------------|---------|---|------------|
| <b>FY 2008 Base</b>       |        |            |         |   |            |
| Agency Request            | 185.15 | 16,060,200 | 175,700 | 0 | 16,235,900 |
| Governor's Recommendation | 185.15 | 16,060,200 | 175,700 | 0 | 16,235,900 |

## Benefit Costs

Restores funding for premium holidays taken in FY 2007 estimated at \$865 per employee. Also includes the employer-paid portion of estimated changes in employee benefit costs including \$350 per employee for health insurance.

|   |      |         |       |   |         |
|---|------|---------|-------|---|---------|
| Agency Request  | 0.00 | 327,500 | 1,200 | 0 | 328,700 |
| <i>The Governor recommends that all health insurance related adjustments be funded by program changes or utilizing reserves available in the group insurance contract. As the PERSI Board voted to maintain the current contribution rate for the upcoming fiscal year, no adjustment to retirement rates is necessary.</i> |      |         |       |   |         |
| Governor's Recommendation   | 0.00 | 0       | 0     | 0 | 0       |

## Inflationary Adjustments

Inflationary adjustment is a 1.81% increase over the base. This is calculated by subtracting statewide allocation plan costs and using a 1.81% increase for all remaining operating items.

|  |      |        |       |   |        |
|--|------|--------|-------|---|--------|
| Agency Request   | 0.00 | 11,900 | 1,500 | 0 | 13,400 |
| <i>Inflationary increases are provided only for contractual obligations such as leased space costs. Other inflationary requests are not recommended.</i> |      |        |       |   |        |
| Governor's Recommendation  | 0.00 | 0      | 0     | 0 | 0      |

## Replacement Items

Includes \$42,600 for thirty-seven personal computers, \$20,000 for ten printers, \$7,500 for five laptops, \$16,500 for four servers, \$1,900 for one focus projector, \$1,000 for one fax machine, \$13,200 for miscellaneous office equipment, \$5,000 for one security system, \$1,000 for one digital camera, \$6,500 for software upgrades, and \$3,000 for miscellaneous replacement parts.

|                           |      |         |   |   |         |
|---------------------------|------|---------|---|---|---------|
| Agency Request            | 0.00 | 118,200 | 0 | 0 | 118,200 |
| Governor's Recommendation | 0.00 | 118,200 | 0 | 0 | 118,200 |

## Statewide Cost Allocation

The Statewide Cost Allocation Plan assesses state agencies for their actual use of State Controller and State Treasurer services and includes changes in property and casualty insurance premiums.

|                           |      |       |   |   |       |
|---------------------------|------|-------|---|---|-------|
| Agency Request            | 0.00 | 3,400 | 0 | 0 | 3,400 |
| Governor's Recommendation | 0.00 | 3,400 | 0 | 0 | 3,400 |

# Attorney General

Analyst: Burns

| Budget by Decision Unit  | FTP    | General    | Dedicated | Federal | Total      |
|--|--------|------------|-----------|---------|------------|
| <b>Annualizations</b>  |        |            |           |         |            |
| Annualizes the salary of the Attorney General that was increased from \$91,500 to \$95,160 (4%), effective the first Monday in January 2007, per H865.   |        |            |           |         |            |
| Agency Request   | 0.00   | 2,200      | 0         | 0       | 2,200      |
| Governor's Recommendation  | 0.00   | 2,200      | 0         | 0       | 2,200      |
| <b>Change in Employee Compensation</b>   |        |            |           |         |            |
| Calculated cost of a 3.5% salary increase for permanent and temporary positions. It also includes an increase of \$1,700 to cover an increase in the Attorney General's salary, per H865. His salary will increase from \$95,160 to \$98,015 (3%), effective the first Monday in January 2008.   |        |            |           |         |            |
| Agency Request   | 0.00   | 472,800    | 2,400     | 0       | 475,200    |
| <i>The Governor recommends a compensation increase of 5% to be distributed based on merit.</i>   |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 674,700    | 3,500     | 0       | 678,200    |
| <b>FY 2008 Program Maintenance</b>   |        |            |           |         |            |
| Agency Request   | 185.15 | 16,996,200 | 180,800   | 0       | 17,177,000 |
| Governor's Recommendation  | 185.15 | 16,858,700 | 179,200   | 0       | 17,037,900 |
| <b>1. Commerce &amp; Labor Attorney</b>  |        |            |           |         |            |
| The lead deputy attorney general at Commerce and labor will retire in fiscal year 2008. At the time of legal consolidation, this position remained an employee of Labor due to the employee's long-term participation in a federal retirement program. Funding is requested to transfer this position from Commerce and Labor to the Office of the Attorney General. [Subject to Statewide Cost Allocation Plan]   |        |            |           |         |            |
| Agency Request   | 1.00   | 118,900    | 0         | 0       | 118,900    |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |
| <b>2. Market Parity</b>  |        |            |           |         |            |
| According to the Office of the Attorney General, staff salaries continue to lag behind market. Last January, they reported that attorney salaries averaged 23% lower than salaries paid by Ada County. After distribution of salary savings and monies targeted for attorney salaries, they now estimate that they will remain about 17% behind those January figures. Likewise, salaries for legal secretaries were reported to have been about 12% behind the local market and salaries for paralegals about 10%. Funding is requested to bring the Office of the Attorney General salaries to the market average in an attempt to help with recruitment and retention issues. |        |            |           |         |            |
| Agency Request   | 0.00   | 500,000    | 0         | 0       | 500,000    |
| <i>Not recommended by the Governor.</i>  |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |
| <b>3. Civil Litigation Paralegal/Investigator</b>  |        |            |           |         |            |
| Funding is requested to add one new position that would be utilized to meet the state's requirements under the Tobacco Master Settlement Agreement to diligently enforce the agreement. This position would also perform paralegal duties involving tobacco litigation, and serve as an investigator who would make retail inspections to ensure compliance by retailers. In addition, this position would be involved with investigating distributors/stamper books and internet sites that sell cigarettes.  |        |            |           |         |            |
| Agency Request   | 1.00   | 68,800     | 0         | 0       | 68,800     |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |
| <b>4. Juvenile Corrections Attorney</b>  |        |            |           |         |            |
| Funding is requested to add one deputy attorney general for the Department of Juvenile Corrections due to increasing legal demands and workload. [Subject to Statewide Cost Allocation Plan]   |        |            |           |         |            |
| Agency Request   | 1.00   | 87,200     | 0         | 0       | 87,200     |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |

# Attorney General

Analyst: Burns

| Budget by Decision Unit  | FTP  | General | Dedicated | Federal | Total   |
|--|------|---------|-----------|---------|---------|
| <b>5. Criminal Appellate Attorney</b>  |      |         |           |         |         |
| The Office of the Attorney General handles all criminal appeals in the State of Idaho. The appellate caseload has increased from 636 cases in 2000 to 799 cases in 2005. This represents about a 26% increase over the last five years. About 75% of those appeals are generated through the State Appellate Public Defender and 25% are generated through private counsel. Funding is requested to add one new criminal appellate attorney to deal with the increased workload.   |      |         |           |         |         |
| Agency Request   | 1.00 | 92,000  | 0         | 0       | 92,000  |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |      |         |           |         |         |
| Governor's Recommendation  | 0.00 | 0       | 0         | 0       | 0       |
| <b>6. Third-Party &amp; Estate Recovery</b>  |      |         |           |         |         |
| One of the required functions of Medicaid is to recover monies paid by the program from third parties who are liable for the recipient's medical expenses. A recent U.S. Supreme Court case narrows the Medicaid recovery amount to an amount the parties agree to, which can be substantially less than paid. Increased litigation is anticipated to protect the state's interests. Since this is a paper-intensive process, three secretaries (\$177,000) and one deputy attorney general (\$86,200) are requested. Secretarial staff will also be used to support two current attorneys who do estate recovery, which collects reimbursement of Medicaid expenses after the death of the Medicaid recipient and spouse. Last year, the estate recovery unit collected more than six million dollars, and with the added staff that figure is expected to set new record levels of recovery. [Subject to Statewide Cost Allocation Plan] |      |         |           |         |         |
| Agency Request   | 4.00 | 267,200 | 0         | 0       | 267,200 |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |      |         |           |         |         |
| Governor's Recommendation  | 0.00 | 0       | 0         | 0       | 0       |
| <b>7. Criminal Investigator</b>  |      |         |           |         |         |
| Funding is requested to add one criminal investigator to help deal with an increase in requests from local jurisdictions involving complex white-collar crimes.  |      |         |           |         |         |
| Agency Request   | 1.00 | 80,400  | 0         | 0       | 80,400  |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |      |         |           |         |         |
| Governor's Recommendation  | 0.00 | 0       | 0         | 0       | 0       |
| <b>8. Civil Litigation Legal Secretary</b>   |      |         |           |         |         |
| Currently, there are four legal secretaries serving twelve attorneys in the civil litigation division. Because the caseload has been increasing about 10% per year, funding is requested to enhance secretarial support.   |      |         |           |         |         |
| Agency Request   | 1.00 | 65,200  | 0         | 0       | 65,200  |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |      |         |           |         |         |
| Governor's Recommendation  | 0.00 | 0       | 0         | 0       | 0       |
| <b>9. Agriculture Attorney</b>   |      |         |           |         |         |
| There are currently two deputy attorneys general serving as legal advisors to the director and staff of the Department of Agriculture. According to the department, legal issues have increased substantially over time and funding is requested to add an additional full-time attorney. The department believes that the addition of this position will ultimately be a cost savings as the need to hire outside counsel will be diminished. [Subject to Statewide Cost Allocation Plan]   |      |         |           |         |         |
| Agency Request   | 1.00 | 87,200  | 0         | 0       | 87,200  |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |      |         |           |         |         |
| Governor's Recommendation  | 0.00 | 0       | 0         | 0       | 0       |



# Attorney General

Analyst: Burns

| Budget by Decision Unit  | FTP    | General    | Dedicated | Federal | Total      |
|--|--------|------------|-----------|---------|------------|
| <b>10. Additional Capital Outlay</b>   |        |            |           |         |            |
| Includes \$3,300 for one scanning station, \$1,900 for an in-focus projector, \$2,000 for one color printer, and \$1,000 for a new fax machine.                            |        |            |           |         |            |
| Agency Request   | 0.00   | 8,200      | 0         | 0       | 8,200      |
| <i>The Governor chooses not to recommend line items for elected officials, but rather defers action to the Legislature.</i>  |        |            |           |         |            |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |
| <b>11. Carry Forward Authority</b>   |        |            |           |         |            |
| The Office of the Attorney General is requesting authority to carry forward any unspent dollars in the Special Litigation program from the fiscal year 2007 appropriation. |        |            |           |         |            |
| Agency Request   | 0.00   | 0          | 0         | 0       | 0          |
| Governor's Recommendation  | 0.00   | 0          | 0         | 0       | 0          |
| <b>FY 2008 Total</b>   |        |            |           |         |            |
| Agency Request   | 196.15 | 18,371,300 | 180,800   | 0       | 18,552,100 |
| Governor's Recommendation  | 185.15 | 16,858,700 | 179,200   | 0       | 17,037,900 |
| Agency Request   |        |            |           |         |            |
| Change from Original App   | 11.00  | 2,306,900  | (126,700) | 0       | 2,180,200  |
| % Change from Original App   | 5.9%   | 14.4%      | (41.2%)   |         | 13.3%      |
| <i>Governor's Recommendation</i>   |        |            |           |         |            |
| Change from Original App   | 0.00   | 794,300    | (128,300) | 0       | 666,000    |
| % Change from Original App   | 0.0%   | 4.9%       | (41.7%)   |         | 4.1%       |